

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

286 RIDER AVE ACQUISITION LLC,

Case No: 21-11298 (LGB)

Debtor.

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**SECOND AMENDMENT TO ORDER REGARDING DEVELOPMENT’S
MOTION TO CONFIRM DISPUTED PAYOFF AMOUNTS, SATISFACTION
OF DIP LOAN, AND FOR RELATED RELIEF AND SUPPLEMENT TO SAME**

WHEREAS, on February 11, 2022, the Court entered the *Order Regarding Development’s Motion to Confirm Disputed Payoff Amounts, Satisfaction of DIP Loan, and for Related Relief and Supplement to Same* [ECF No. 293] (the “February 11 Order”)¹; and

WHEREAS, on February 21, 2022, the Debtor filed a letter with respect to the February 11 Order [ECF No. 301];

WHEREAS, on February 22, 2022, the Court entered the *Amendment to Order Regarding Development’s Motion to Confirm Disputed Payoff Amounts, Satisfaction of DIP Loan, and for Related Relief and Supplement to Same* [ECF No. 302]; and

WHEREAS, on February 22, 2022, the following parties filed letters with respect to the February 11 Order: Development [ECF No. 303]; Development, Toby Moskovits, and Michael Lichtenstein [ECF No. 304]; and Be-Aviv [ECF No. 305]; and

WHEREAS, on March 2, 2022, the Court held a status conference with regards to, among other things, the February 11 Order;

IT IS HEREBY ORDERED THAT:

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the February 11 Order.

1. Paragraph 3 of the February 11 Order is amended to state:

Be-Aviv shall file with the Court by no later than March 18, 2022 at 5:00 p.m. (ET) (i) detailed time and expense records for all requested professional fees and related expenses that Be-Aviv incurred (a) prepetition which were unpaid as of the date of the commencement of this chapter 11 case (the "Petition Date"); (b) from the Petition Date through and including November 22, 2021; and (c) from January 10, 2022 through and including February 10, 2022; and (ii) an estimate of any additional legal fees and related expenses to be incurred from February 11, 2022 through and including April 15, 2022 (collectively, the "Be-Aviv Professional Fees"). Any objections as to the reasonableness of the Be-Aviv Professional Fees must be filed with the Court by no later than March 28, 2022 at 12:00 p.m. (ET). No party is authorized to file a reply pleading with respect to the Be-Aviv Professional Fees. The hearing with respect to the reasonableness of the Be-Aviv Professional Fees shall be on March 29, 2022 at 10:00 a.m. (ET) and will be determined based upon the reasonableness standard under Bankruptcy Code section 506(b).

2. Paragraph 4 of the February 11 Order is amended to state:

Except for with respect to Lee E. Buchwald, the deadline for parties to file claims seeking the allowance and payment of any unpaid administrative expense claims arising from the Petition Date through and including February 10, 2022 not addressed in paragraphs 3 and 5 of this order ("Administrative Expense Claims") shall be March 4, 2022 at 5:00 p.m. (ET). Administrative Expense Claims must attach all supporting documentation and detailed records providing adequate information as to the basis for the claim. The deadline for Mr. Buchwald to file any Administrative Expense Claim shall be March 18, 2022 at 5:00 p.m. (ET). Mr. Buchwald shall also provide in his Administrative Expense Claim an estimate of any additional amounts which will become due and owing to him through and including April 15, 2022. Any objections to Administrative Expense Claims except with respect to any Administrative Expense Claim filed by Mr. Buchwald must be filed with the Court by no later than March 18, 2022 at 5:00 p.m. (ET). Any objection to any Administrative Expense Claim filed by Mr. Buchwald must be filed by no later than March 28, 2022 at 12:00 p.m. (ET). Any reply in support of Administrative Expense Claims other than any Administrative Expense Claim filed by Mr. Buchwald must be filed by no later than March 25, 2022 at 5:00 p.m. (ET). No party is authorized to file a reply pleading with respect to any Administrative Expense Claim filed by Mr. Buchwald. The hearing on allowance of the Administrative Expense Claims shall be on March 29, 2022 at 10:00 a.m. (ET).

3. Paragraph 5 of the February 11 Order is amended to state:

Notwithstanding the provisions of the interim compensation order entered by the Court [ECF No. 246], Robinson Brog Leinwand Greene Genovese & Gluck P.C. ("Robinson Brog"), counsel to the Debtor, shall file by March 18, 2022 at 5:00 p.m. (ET) a final fee application (the "Robinson Brog Final Fee Application") for any fees and related expenses incurred from the Petition Date through February 10, 2022 which shall include an estimate of any additional fees and related expenses to be incurred through and

including April 15, 2022. Any objections to the Robinson Brog Final Fee Application must be filed with the Court by no later than March 28, 2022 at 12:00 p.m. (ET). No party is authorized to file a reply pleading with respect to the Robinson Brog Final Fee Application. The hearing on allowance of the Robinson Brog Final Fee Application shall be on March 29, 2022 at 10:00 a.m. (ET).

Dated: New York, New York
March 3rd, 2022

/s/ Lisa G. Beckerman
HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE